

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Jorge Natal,)	C/A No. 3:05-3617-CMC-BM
)	
Plaintiff,)	
)	
v.)	OPINION AND ORDER
)	
Sisters of Charity, doing business as)	
Providence Hospitals,)	
)	
Defendant.)	
_____)	

Plaintiff filed this action pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 1201, *et seq.* Plaintiff also claims supplemental jurisdiction over his pendant state law cause of action for wrongful discharge in violation of public policy. Defendant filed a partial motion for dismissal of Plaintiff's second cause of action for wrongful discharge in violation of public policy. The time for Plaintiff to file a response to the motion has expired and no response has been filed.

In accordance with this court's order of reference and 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(g), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge Bristow Marchant.

The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) stating that "in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must 'only satisfy itself that there is no

clear error on the face of the record in order to accept the recommendation.” (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Magistrate Judge has recommended that Defendant’s motion to dismiss Plaintiff’s second cause of action for wrongful discharge in violation of public policy be granted. Plaintiff has filed no objections to the Report and Recommendation and the time for doing so has expired.

After reviewing the Complaint, the motion, the complete record, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Defendant’s motion is **GRANTED** and that Plaintiff’s second cause of action for wrongful discharge in violation of public polity is **DISMISSED**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
October 4, 2006